SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	February 19, 2018
Time of Incident:	5:10 a.m.
Location of Incident:	
Date of COPA Notification:	February 23, 2018
Time of COPA Notification:	2:36 p.m.

During the early morning hours of February 19, 2018, Complainant repeatedly attempted to contact his wife despite an order of protection which prohibited him from doing so. At 5:00 a.m. called 911 and requested officers respond to her house at despite an order of protection which called 911 and requested officers respond to her house at despite an order of protection against house when Officers Thomas Barnes and Denise Robinson arrived. Officer Robinson spoke with despite an order of protection against him, despite an order of protection which house when of the porch while Officer Barnes stayed on the sidewalk and in the street with despite an order of protection which house when ordered with the protection against him, despite an order of protection which house when ordered with despite an order of protection which house when ordered with despite an order of protection which house when ordered with despite an order of protection which house when ordered with despite an order of protection which house when ordered with despite an order of protection which house when ordered with despite an order of protection which house when ordered with despite an order of protection against him, despite an order of protection which house when ordered with despite an order of protection against him, despite an order of protection again

II. INVOLVED PARTIES

Involved Officer #1:	Thomas Barnes Star #8426 / Employee ID # Date of Appointment: 1998 Police Officer / Unit 1969 Date of Birth: 1969 Male / Black
Subject #1:	Date of Birth: Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
	1. It is alleged that Officer Barnes deployed a Taser at without justification, in violation of Rules 6 and 8.	

IV. APPLICABLE RULES AND LAWS

Rules 1. Rule 6: Disobedience of an order or directive, whether written or oral. 2. Rule 8: Disrespect to or maltreatment of any person, while on or off duty. General Orders

1. G-03-02-02: Force Options

2. G-03-02-04: Taser Use Incidents

INVESTIGATION¹ V.

a. Interviews

In his April 13, 2018 statement to COPA, Complainant	stated that
early on February 19, 2018 he tried to contact his wife so he contact his wife	uld retrieve his
clothes and identification cards from her house. had an order of protection	on against him
at that time. went to the house, rang the bell without success, left, and co	ntinued to call
her. eventually went back to the house and then Officers Barnes and Rol	binson arrived.
said that Officer Barnes was immediately aggressive with him. Officer Bar	nes repeatedly
told him to put his hands behind his back, but asked him why.	ought that this
was not the right way to approach someone, so he started to leave.	
get away from Officer Barnes when Officer Barnes first shot his Taser.	said he <u>had his</u>
hands up before shot the Taser. The Taser barbs struck on his rib ca	ige and
immediately snatched them away from his body. Officer Barnes shot the Taser agai	n. said
he did not remember feeling any pain. Officers Barnes and Robinson and	then got into a
struggle on the lawn. Both officers had their batons extended. During the struggle	they all fell in
the snow. More officers arrived, placed in handcuffs and took him to the st	ation.
In her March 8, 2018 statement to COPA, Witness	stated that on
February 19, 2018 she called the police because of a domestic incident with her hus	sband,
She stated that he was not combative towards the police, but he was no	ot cooperative,
either. She described his interaction with the police as talking a lot. She did	not see Officer
Barnes deploy his Taser at expecause it was too dark. Once she hea	rd say,
"Why'd you tase me?", she went back inside and closed the front door.	

In his April 25, 2018 statement to COPA, Accused Officer Thomas Barnes stated that on February 19, 2018 he was on patrol with his partner, Officer Denise Robinson, when they

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Attachment 33

³ Attachment 24

⁴ Attachment 41

In her April 25, 2018 statement to COPA, Witness Officer Denise Robinson provided essentially the same account as Officer Barnes. She added that refused to comply with the officers' commands throughout their encounter.

b. Digital Evidence

Body worn camera footage⁸ from Officers Barnes and Robinson depicts the encounter between the officers and ... At the 3:33 mark of Officer Barnes' footage, begins to walk away from the scene. Officer Barnes follows him and says, "Hey, hey, hey" repeatedly, followed by, "So, this is what I'm asking you do. I'm asking you to put your hands up." responds by saying, "I'm not putting my hands up. Shoot me then! Shoot me! I ain't got no gun." Officer Barnes then raises his Taser and points it at while stops, turns around to face Officer Barnes, and raises his hands above his head. It is only after raises his hands that Officer Barnes' Taser deployment, at the 3:49 mark, is depicted below:

by Judge Stephanie Saltouros.

⁶ CPD's latest Use of Force Policy (General Order G-03-02) took effect on October 17, 2017.

⁷ Attachment 43

⁸ Attachment 21



c. Documentary Evidence

An **Initiation Report**⁹ from Lt. Frederick Melean notes that Officer Barnes deployed his Taser at a subject when the subject was not an active resister or assailant.

Officer Barnes' **Tactical Response Report**¹⁰ indicates that did not follow verbal direction and pulled away from Officer Barnes. Officer Barnes utilized member presence, verbal direction, tactical positioning, an escort hold, and emergency handcuffing, in addition to deploying his Taser. The report also reveals that Lt. Melean noted that Officer Barnes violated CPD General Order G-03-02-04 by deploying his Taser at a subject who was not an active resister or assailant.

The remaining **related CPD reports**¹¹ provide essentially the same account of the events as the officers' statements.

A Taser Download Report¹² shows that Officer Barnes deployed his Taser at 5:09:45 a.m. and 5:09:51 a.m.

⁹ Attachment 4

¹⁰ Attachment 10

¹¹ Attachments 5, 6, 8, 9, and 11.

¹² Attachment 12

VI. ANALYSIS

COPA recommends a finding of **SUSTAINED** for Allegation #1, that Officer Barnes deployed his Taser at without justification.

CPD Policy dictates that an officer may deploy a Taser against active resisters and assailants.¹³ CPD defines an active resister as, "a person who attempts to create distance between himself or herself and the member's reach with the intent to avoid physical control and/or defeat the arrest"¹⁴, while assailants are defined as, "a subject who is using or imminently threatening the use of force against another person."¹⁵ Additionally, CPD's Taser Use Incident Policy specifies that officers should de-escalate by stating, "Members will use de-escalation techniques to prevent or reduce the need for force when it is safe and feasible to do so based on the totality of the circumstances. This includes continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with officer safety."¹⁶ (emphasis added)

Here, was neither an active resister nor an assailant when Officer Barnes deployed his Taser. The body worn camera footage reveals that was a cooperating subject at the time of Officer Barnes' Taser deployment. Officer Barnes' only command to was, "put your hands up", with which complied. CPD's Taser Use Incident Policy also requires members to, "continually assess the situation and modify...the use of force as circumstances change." Undeniably, the circumstances surrounding behavior and overall compliance changed rapidly, however, this does not change the fact that Officer Barnes ordered to raise his hands, and only deployed his Taser after complied with that order. This was not a permissible use of force under CPD Policy, and as such, Allegation #1 against Officer Barnes is SUSTAINED.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer		Allegation		Finding
Officer Tl	nomas Barnes	1. It is alleged that Officer Ba at without just of Rules 6 and 8.	arnes deployed a Taser stification, in violation	Sustained
	\bigcap	·		
			7/3/20	18
Acting De	puty Chief Adm	inistrator – Chief Investigator	Date	

¹³ General Order G-03-02-IV-B-2-c-4 and General Order G-03-02-04-II-C

¹⁴ General Order G-03-02-IV-B-2

¹⁵ General Order G-03-02-IV-C

¹⁶ General Order G-03-02-04-II-B

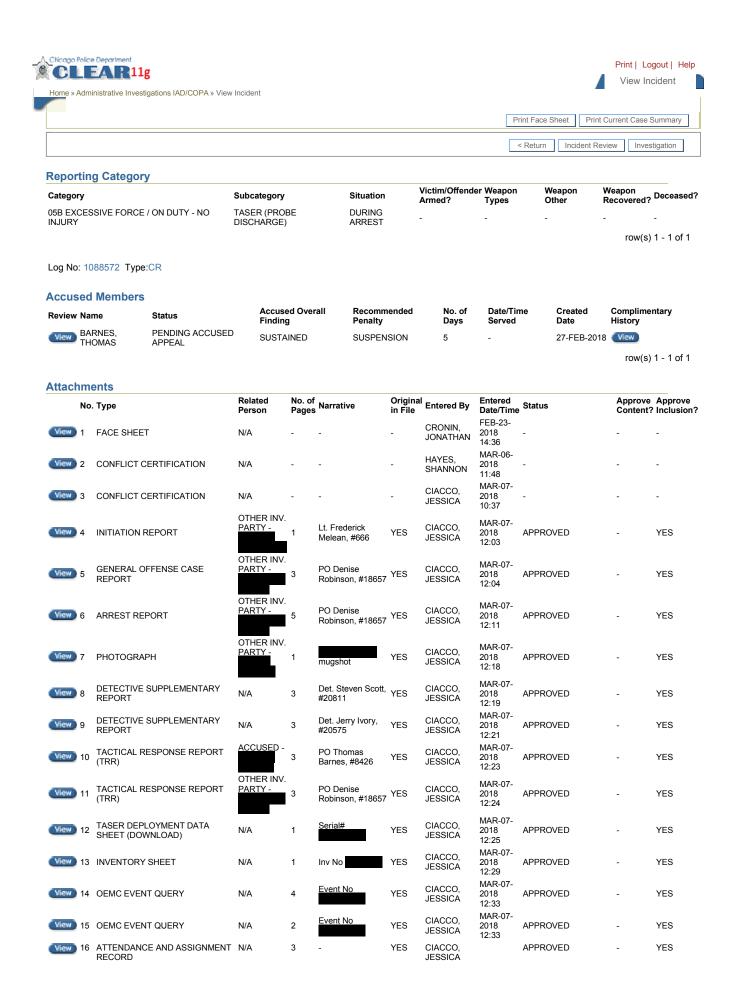
¹⁷ Id.

Appendix A

Assigned Investigative Staff

Squad:	Ī	
Investigator:	l	
Supervising Investigator:		
Acting Deputy Chief Administrator:		

View Incident Page 1 of 4



View Incident Page 2 of 4

							MAR-07- 2018 12:34			
View 17	O.E.M.C. (OEMC) REQUEST/HOLD	N/A	1	Request for PDT	YES	CIACCO, JESSICA	MAR-07- 2018 12:41	APPROVED	-	YES
View 18	REPORT (OTHER)	N/A	1	Request for BWC and ICC	YES	CIACCO, JESSICA	MAR-07- 2018 14:04	APPROVED	-	YES
View 19	O.E.M.C. (OEMC) REQUEST/HOLD	N/A	1	Request for 911 audio and CPD radio transmissions	YES	CIACCO, JESSICA	MAR-07- 2018 14:05	APPROVED	-	YES
View 20	GPS DATA	N/A	7	GPS Data	YES	CIACCO, JESSICA	MAR-07- 2018 14:05	APPROVED	-	YES
View 21	VIDEO RECORDING	N/A	1	BWC and ICC	YES	CIACCO, JESSICA	MAR-07- 2018 14:06	APPROVED	-	YES
View 22	REPORT (OTHER)	N/A	2	Documents disclosed by CPD with BWC and ICC	YES	CIACCO, JESSICA	MAR-07- 2018 14:06	APPROVED	-	YES
View 23	CONSENT FOR AUDIO RECORDED INTERVIEW	OTHER INV. PARTY -	1		YES	CIACCO, JESSICA	MAR-08- 2018 16:23	APPROVED	-	YES
View 24	AUDIO INTERVIEW	OTHER INV. PARTY -	1		YES	CIACCO, JESSICA	MAR-08- 2018 16:24	APPROVED	-	YES
View 25	REPORT (OTHER)	OTHER INV. PARTY -	1	Affidavit	YES	CIACCO, JESSICA	MAR-08- 2018 16:27	APPROVED	-	YES
View 26	REPORT (OTHER)	N/A	2	POD Request Results - No footage, damaged camera	YES	CIACCO, JESSICA	MAR-09- 2018 10:52	APPROVED	-	YES
View 27	REPORT (OTHER)	ACCUSED -	12	Training Records	YES	CIACCO, JESSICA	MAR-21- 2018 15:27	APPROVED	-	YES
View 28	REPORT (OTHER)	ACCUSED -	2	Request for Academy Records - taser certification		CIACCO, JESSICA	APR-04- 2018 11:23	APPROVED	-	YES
View 29	REPORT (OTHER)	ACCUSED -	4	Training Records - Taser Certification	YES	CIACCO, JESSICA	APR-10- 2018 14:55	APPROVED	-	YES
View 30	REPORT (OTHER)	N/A	1	Cook County Jail Interview Request Form	YES	CIACCO, JESSICA	APR-13- 2018 15:39	APPROVED	-	YES
(View) 31	REPORT (OTHER)	OTHER INV.	1	COPA Notice	YES	CIACCO, JESSICA	APR-13- 2018 15:40	APPROVED	-	YES
View 32	CONSENT FOR AUDIO RECORDED INTERVIEW	OTHER INV.	1	-	YES	CIACCO, JESSICA	APR-13- 2018 15:41	APPROVED	-	YES
View 33	AUDIO INTERVIEW	OTHER INV.	1	-	YES	CIACCO, JESSICA	APR-13- 2018 15:42	APPROVED	-	YES
View 34	REPORT (OTHER)	OTHER INV. PARTY -	1	Affidavit	YES	CIACCO, JESSICA	APR-13- 2018 15:42	APPROVED	-	YES
View 35	ACCUSED NOTIFICATION OF ALLEGATIONS FOR BARNES, THOMAS	ACCUSED -	-	-	-	CIACCO, JESSICA	APR-17- 2018 15:10	PENDING ACCUSED ACKNOWLEDGMENT	-	-
(View) 36	WITNESS NOTIFICATION FOR ROBINSON, DENISE	WITNESS -	-	-	-	CIACCO, JESSICA	APR-17- 2018 15:11	PENDING WITNESS ACKNOWLEDGEMENT	-	-
View 37	REQUEST FOR INTERVIEW/STATEMENT/REPORT	ACCUSED -	1	-	YES	CIACCO, JESSICA	APR-25- 2018 09:34	APPROVED	-	YES
View 38	WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	ACCUSED -	1	-	YES	CIACCO, JESSICA	APR-25- 2018 09:34	APPROVED	-	YES
View 39	NOTIFICATION OF CHARGES/ALLEGATIONS	ACCUSED -	1	-	YES	CIACCO, JESSICA	APR-25- 2018 09:36	APPROVED	-	YES
View 40	ADMINISTRATIVE PROCEEDINGS RIGHTS	ACCUSED -	1	-	YES	CIACCO, JESSICA	APR-25- 2018 09:36	APPROVED	-	YES
View 41	AUDIO INTERVIEW		1	-	YES	CIACCO, JESSICA		APPROVED	-	YES

View Incident Page 3 of 4

		ACCUSED -					APR-25- 2018			
	REQUEST FOR NTERVIEW/STATEMENT/REPORT	OTHER INV. PARTY -	1	-	YES	CIACCO, JESSICA	09:38 APR-25- 2018 09:39	APPROVED	-	YES
View 43 A	AUDIO INTERVIEW	OTHER INV. PARTY -	1	-	YES	CIACCO, JESSICA	APR-25- 2018 09:40	APPROVED	-	YES
View 44 (OEMC EVENT QUERY	N/A	2	Event 1805001124	YES	CIACCO, JESSICA	MAY-31- 2018 11:37	APPROVED	-	YES
	O.E.M.C. (OEMC) TRANSMISSIONS	N/A	1	Event 1805001124	YES	CIACCO, JESSICA	MAY-31- 2018 11:38	APPROVED	-	YES
View 46 (OEMC EVENT QUERY	N/A	2	Event 1805001698	YES	CIACCO, JESSICA	MAY-31- 2018 11:39	APPROVED	-	YES
	O.E.M.C. (OEMC) TRANSMISSIONS	N/A	1	Event 1805001698	YES	CIACCO, JESSICA	MAY-31- 2018 11:39	APPROVED	-	YES
View 48 (OEMC EVENT QUERY	N/A	4	Event 1805001915	YES	CIACCO, JESSICA	MAY-31- 2018 11:40	APPROVED	-	YES
	O.E.M.C. (OEMC) TRANSMISSIONS	N/A	1	Event 1805001915	YES	CIACCO, JESSICA	MAY-31- 2018 11:41	APPROVED	-	YES
View 50 (OEMC EVENT QUERY	N/A	2	Event 1805001991	YES	CIACCO, JESSICA	MAY-31- 2018 11:41	APPROVED	-	YES
	O.E.M.C. (OEMC) TRANSMISSIONS	N/A	1	CPD Radio Transmissions 4:45 a.m. to 6:45 a.m.	YES	CIACCO, JESSICA	MAY-31- 2018 11:43	APPROVED	-	YES
(View) 52 F	REPORT (OTHER)	N/A	7	COPA case log	YES	CIACCO, JESSICA	JUN-26- 2018 13:42	APPROVED	-	YES
(View) - F	REPORT (OTHER)	N/A	2	A&R sent 1/22/19	-	DOMAIN, ALEXANDRA	JAN-22- 2019 08:59	APPROVED	-	YES
(View) - F	REPORT (OTHER)	N/A	2	A&R Barnes signed 5 day suspension grievance filed	-	CLOYD, WENDY	FEB-07- 2019 09:41	APPROVED	-	YES
(View) - [DISCIPLINARY HISTORY	ACCUSED -	2	-	NO	HAYES, SHANNON	JUL-03- 2018 11:45	APPROVED	-	YES
(View) - S	SUMMARY REPORT	N/A	6	-	NO	HAYES, SHANNON	JUL-03- 2018 11:46	APPROVED	-	YES
(View) - F	REPORT (OTHER)	N/A	2	Disciplinary Recommendation Memo signed by Acting Deputy Chief Administrator Erica Sangster	NO	HAYES, SHANNON	JUL-03- 2018 11:46	APPROVED	-	YES

row(s) 1 - 57 of 57

Internal Use Only

No Internal Use Only attachments available.

Print Accused Appeal Forms

No Accused Appeal forms available for this Log No.

Related Incidents

TIP Related Incidents listed below are for reference only. These may be viewed using the related application search screens.

No Related Incidents associated with this Log No.

Status History

TIP Every employee included in the Status History is subject to be called for legal or administrative proceedings.

Resulting Status	Status Date/Time	Created By	Position	Employee No.	Assigned Detailed Unit	/ Comments
PENDING ACCUSED APPEAL	17-JAN-2019 11:31	DOMAIN, ALEXANDRA	SUPERVISOR PARALEGAL		113 / -	-
PENDING REVIEW AFTER SUPERINTENDENT DECISION	26-SEP-2018 15:43	BOIK, ROBERT	SUPT'S CHIEF OF STAFF	:	111 / -	-
PENDING SUPERINTENDENT DECISION	28-AUG-2018 18:18	HOLT, ELGIN	DEP CHIEF		212 / -	-
PENDING COMMAND CHANNEL REVIEW	20-AUG-2018 16:55	CONNOLLY, LUKE	SERGEANT OF POLICE		121 / -	-
PENDING ADVOCATE REVIEW	20-AUG-2018 14:25	OLIVER, MELVIN	POLICE OFFICER		007 / 121	-

View Incident Page 4 of 4

			İ			
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	20-AUG-2018 14:20	CONNOLLY, LUKE	SERGEANT OF POLICE	12	21 / -	To second level CCR
PENDING SUPERINTENDENT DECISION	15-AUG-2018 16:02	COSTELLO, ROBERT	SERGEANT OF POLICE	12	21 / -	-
PENDING COMMAND CHANNEL REVIEW	01-AUG-2018 08:31	COSTELLO, ROBERT	SERGEANT OF POLICE	12	21 / -	-
PENDING ADVOCATE REVIEW	01-AUG-2018 08:31	COSTELLO, ROBERT	SERGEANT OF POLICE	12	21 / -	-
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	01-AUG-2018 08:29	COSTELLO, ROBERT	SERGEANT OF POLICE	12	21 / -	-
PENDING COMMAND CHANNEL REVIEW	09-JUL-2018 08:49	COSTELLO, ROBERT	SERGEANT OF POLICE	12	21 / -	-
PENDING ADVOCATE REVIEW	09-JUL-2018 08:27	OLIVER, MELVIN	POLICE OFFICER	00	07 / 121	-
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	05-JUL-2018 10:49	DOMAIN, ALEXANDRA	SUPERVISOR PARALEGAL	11	13 / -	-
CLOSED AT C.O.P.A.	05-JUL-2018 10:32	DOMAIN, ALEXANDRA	SUPERVISOR PARALEGAL	11	13 / -	-
PENDING REVIEW INCIDENT (C.O.P.A. USE ONLY)	03-JUL-2018 12:59	HUNT, JOSHUA	DEPUTY CHIEF ADMINISTRATOR	11	13 / -	-
PENDING CHIEF ADMINISTRATOR REVIEW	03-JUL-2018 12:58	HUNT, JOSHUA	DEPUTY CHIEF ADMINISTRATOR	11	13 / -	-
PENDING C.O.P.A. COORDINATOR REVIEW	03-JUL-2018 11:48	HAYES, SHANNON	SUPERVISING INV COPA	11	13 / -	-
PENDING INVESTIGATIVE REVIEW	26-JUN-2018 13:44	CIACCO, JESSICA	INVESTIGATOR 3 COPA	11	13 / -	-
PENDING INVESTIGATION	06-MAR-2018 11:48	HAYES, SHANNON	SUPERVISING INV COPA	11	13 / -	-
PENDING ASSIGN INVESTIGATOR	02-MAR-2018 11:32	OLVERA, MARIA	SUPERVISING INV COPA	11	13 / -	-
PENDING ASSIGN TEAM	27-FEB-2018 16:14	OLVERA, MARIA	SUPERVISING INV COPA	11		Type Changed from INFO to CR on 27- FEB-2018 16:14 by OLVERA, MARIA
PENDING SUPERVISOR REVIEW	27-FEB-2018 15:26	CRONIN, JONATHAN	SUPV INVEN CONT 1	11	13 / -	-
PRELIMINARY	27-FEB-2018 15:21	OLVERA, MARIA	SUPERVISING INV COPA	11	13 / -	-
PENDING SUPERVISOR REVIEW	27-FEB-2018 15:10	CRONIN, JONATHAN	SUPV INVEN CONT 1	11	13 / -	-
PRELIMINARY	27-FEB-2018 11:57	OLVERA, MARIA	SUPERVISING INV COPA	11	13 / -	-
PENDING SUPERVISOR REVIEW	27-FEB-2018 11:20	CRONIN, JONATHAN	SUPV INVEN CONT 1	11	13 / -	-
PRELIMINARY	23-FEB-2018 14:36	CRONIN, JONATHAN	SUPV INVEN CONT 1	11	13 / -	-
						row(s) 1 - 27 of 27

row(s) 1 - 27 of 27

Command Channel Reviewers

Copyright © 2002, All rights reserved.